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09/892,504	06/28/2001	Junichi Sato	862.C2272	3215

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EXAMINER

HANEY, MATTHEW J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,504

Applicant(s)

SATO, JUNICHI

Examiner

Matthew Haney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-6, 9-10, 13-14, 21-22, 25-26, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain (US 6,144,375).

As for claims 1-2, 25-26, and 29-30, Jain teaches of display means for displaying a moving image on the basis of the input image data (Column 24, Lines 37-44 and Figure 7), designation means for designating a partial region in a display screen of said display means (Note: selection of a football player is considered a region, Column 30, Lines 43-47); encoding means encoding the image data, wherein said display means displays a still image of the moving image during designation said by said designation means (Column 30, Lines 45-47), said encoding means encodes the image data with an image included in the region designated by said designation means of the moving image displayed by said display means being decodable have higher image quality than an image of a non-designated region (Note: Figure 7 shows two windows, 406 is a 2D model

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and 402 is the 3D equivalent. The user can auto track (by selecting an object/region as described previously) in the 2D model window and see the results in the larger 3D model window (higher quality), Column 24, Lines 56-67 and Column 25, Lines 1-21).

As for claims 5 and 6, most of the limitations of the claims have been discussed in the above rejection of claims 1 and 2. Jain also teaches of display means simultaneously displays the moving image and the still image of the moving image during designation by said designation means (The user can auto track (by selecting an object/region as described previously) in the 2D model and see a still picture (Figure 9, Reference Number 501) representative of the object chosen in the query area (Figure 7, Reference Number 420, shown in more detail in Figure 9), also Column 24, Lines 56-67 and Column 25, Lines 1-21.)

As for claims 9 and 10, most of the limitations of the claims have been discussed in the above rejection of claims 1 and 2. Jain also teaches of saving the encoded data generated by said encoding means (Column 19, Lines 36-44).

As for claims 13 and 14, most of the limitations of the claims have been discussed in the above rejection of claims 1 and 2. Jain also teaches of image sensing means for generating the image data by sensing an image (Column 16, Lines 34-47).

As for claims 21 and 22, most of the limitations of the claims have been discussed in the above rejections of claims 1 and 2. Jain also teaches of saving the encoded data (Column 19, Lines 36-44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 7-8, 11-12, 15-20, 23-24, 27-28, and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US 6,144,375) in view of Chen (US 6,263,022).

As for claims 3-4, 27-28, and 31-32, most of the limitations of the claims have been discussed in the above rejection of claims 1 and 2. Jain does not teach of the following limitations, however, Chen does: means for generating transform coefficients by computing discrete wavelet transforms of the image data (Note: the DCT is used in the encoder, however, the use of the DWT would have been just as obvious as was disclosed by Chen (Column 2, Lines 16-30), Column 5, Lines 54-65); means for generating quantization indices by quantizing the transform coefficients (Note: the coefficients are contained in the base layer bitstream which is fed into the enhancement layer encoder which then quantizes the bitstream, Column 5, Lines 54-67 and Column 6, Lines 1-40); means for generating encoded data by decomposing the quantization indices into bit planes, and executing arithmetic coding for the respective bit planes, said encoding means shifts up the quantization indices corresponding to an image included in the region designated by said designation means of the moving

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image displayed by said display means by a predetermined number of bits (Column 6, Lines 26-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the Chen encoder with Jain because Jain discloses that any "well-known video encoding and compression method" could be used also the Chen encoder allows for selectively enhancing parts or blocks of the signal which have been given a higher priority.

As for claims 7 and 8, most of the limitations of the claims have been discussed in the above rejection of claims 3 and 4. Jain also teaches of display means simultaneously displays the moving image and the still image of the moving image during designation by said designation means (The user can auto track (by selecting an object/region as described previously) in the 2D model and see a still picture (Figure 9, Reference Number 501) representative of the object chosen in the query area (Figure 7, Reference Number 420, shown in more detail in Figure 9), also Column 24, Lines 56-67 and Column 25, Lines 1-21.)

As for claims 11 and 12, most of the limitations of the claims have been discussed in the above rejection of claims 3 and 4. Jain also teaches of saving the encoded data generated by said encoding means (Column 19, Lines 36-44).

As for claims 15 and 16, most of the limitations of the claims have been discussed in the above rejection of claims 3 and 4. Jain also teaches of image sensing means for generating the image data by sensing an image (Column 16, Lines 34-47).

As for claims 17-20, most of the limitations of the claims have been discussed in the above rejections of claims 1-4 respectively. Although Jain does

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not explicitly teach of recording on a recording medium it is considered obvious to one of ordinary skill in the art that the data would be recorded on a recording medium, like a harddrive, because the Jain's invention is stated as running on a computer where the recording medium would be the harddrive. (Official Notice)

As for claims 23 and 24, most of the limitations of the claims have been discussed in the above rejections of claims 3 and 4. Jain also teaches of image sensing means for generating the image data by sensing an image (Column 16, Lines 34-47).

As for claims 33-38, most of the limitations of the claims have been discussed in the above rejections of claims 1-4 and 11-12. It is considered obvious to one of ordinary skill in the art at the time of the invention to have the invention decode the stored data (as mentioned in the rejection of claims 11 and 12) then encodes the data with the object having higher image quality that the non-designated portion (Figure 7 shows two windows, 406 is a 2D model and 402 is the 3D equivalent. The user can auto track (by selecting an object/region as described previously) in the 2D model window and see the results in the larger 3D model window (higher quality), Column 24, Lines 56-67 and Column 25, Lines 1-21), decoding means for decoding the data stored in the storage means is considered an obvious variation on the encoded (encoder and decoder are opposites which is well-known in the art), and then having the ability to re-encode the decoded image data (refer to above rejection of encoding the decoded image data). The intermediate step of storage and retrieval between the encoding and decoding is considered a well-known process in the art. (Official Notice)

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**Conclusion**

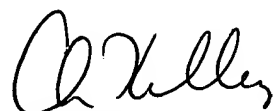
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney  
Examiner  
Art Unit 2613

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